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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

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9 FREDRICK LUDWIG, Petitioner, Case No. 3:13-cv-00070-MMD-VPC
10 v. ORDER
11 ISIDRIO BACA, et al.,
12 Respondents.

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14 This habeas matter comes before the Court on petitioner's proper person motion
15 for an extension of time to respond to the pending show-cause order (dkt. no. 6), motion
16 for issuance of subpoenas (dkt. no. 7), and motion to reconsider the appointment of
17 counsel (dkt. no. 8).

18 Subsequent to the filing of the foregoing motions, retained counsel has entered a
19 notice of appearance for petitioner.

20 The notice of appearance moots the motion to reconsider the appointment of
21 counsel, which the Court in any event was not inclined to grant.

22 The Court will grant the proper person motion for an extension of time to allow
23 counsel a period of time to respond to the show-cause order.

24 The Court further will deny the motion for issuance of subpoenas without
25 prejudice. The Court was not persuaded on the showing made in the proper person
26 motion that issuance of the subpoenas sought was necessary for petitioner to respond
27 to the show-cause order. See also Rule 6 of the Rules Governing Section 2254 Cases.
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1 It is therefore ordered that petitioner's motion for an extension of time to respond
2 to the show-cause order (dkt. no. 6) is granted in part, such that petitioner shall have
3 sixty (60) days from entry of this order within to file a response to the show-cause order
4 through counsel. As specified further in the show-cause order, all factual assertions in
5 the response must be supported by either a declaration under penalty of perjury and/or
6 other competent evidence. Unsupported factual allegations will be disregarded. This
7 action will be dismissed without further advance notice if a response is not filed or if
8 petitioner does not demonstrate that the petition should not be dismissed as untimely.

9 It further is ordered that petitioner's motion for issuance of subpoenas (dkt. no. 7)
10 is denied without prejudice on the showing made.

11 It further is ordered that petitioner's motion to reconsider the appointment of
12 counsel (dkt. no. 8) is denied.

13 The Clerk of Court shall regenerate notices of electronic filing for counsel for all
14 prior filings herein

15 DATED THIS 11th day of February 2014.



MIRANDA M. DU
UNITED STATES DISTRICT JUDGE